

## \*\*PRE-CONFIRMATION MODIFICATION\*\*

## CHAPTER 13 PLAN

Dated: 01-13-15  
Case No. 14-34352-KAC

In re: Jason A. Severson

Debtor(s)

**1. DEBTOR'S PAYMENTS TO TRUSTEE —**

a. As of the date of this plan, the debtor has paid the trustee \$           .  
 b. After the date of this plan, the debtor will pay the trustee \$ 300.00 per month for 60 months beginning within 30 days after the order for relief for a total of \$ 18,000.00.

The minimum plan length is  36 or  60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.

c. The debtor will also pay the trustee             
 d. The debtor will pay the trustee a total of \$ 18,000.00

**2. PAYMENTS BY TRUSTEE —** The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 1,800.00.**3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] —** The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	Total Payments
a. <u>          </u>	\$ <u>          </u>	<u>          </u>	\$ <u>          </u>
b. <u>          </u>	\$ <u>          </u>	<u>          </u>	\$ <u>          </u>
c. TOTAL			\$ <u>0.00</u>

**4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] —** The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
a. <u>          </u>	<u>          </u>
b. <u>          </u>	<u>          </u>

**5. CLAIMS NOT IN DEFAULT —** Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Claim
a. <u>Bayview Loan Servicing</u>	<u>Homestead - 1<sup>st</sup> Mortgage</u>
b. <u>          </u>	<u>          </u>
c. <u>          </u>	<u>          </u>

**6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] —** The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <u>          </u>	\$ <u>          </u>	\$ <u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
b. <u>          </u>	\$ <u>          </u>	\$ <u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
c. <u>          </u>	\$ <u>          </u>	\$ <u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
d. TOTAL					\$ <u>0.00</u>

**7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] —** The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate(if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <u>          </u>	\$ <u>          </u>	<u>          </u>	\$ <u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
b. <u>          </u>	\$ <u>          </u>	<u>          </u>	\$ <u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
c. <u>          </u>	\$ <u>          </u>	<u>          </u>	\$ <u>          </u>	<u>          </u>	<u>          </u>	\$ <u>          </u>
d. TOTAL						\$ <u>0.00</u>

**8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)] —** The trustee will pay, on account of the following allowed secured

claims, the amount set forth in the "Total Payments" column, below. The creditors will retain legal security the allowed secured claims until the earlier of the payment of the underlying debt determined under non bankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM Binds THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM. + (Adequate Protection from ¶ 3)

Creditor	Claim Amount	Secured Claim	Int. Rate	Beginning in Month #	(Monthly Payment)	X (Number of Payments)	=Payments on Account of Claim	=TOTAL PAYMENTS
a _____	\$ _____	\$ _____	—	_____	\$ _____	_____	\$ _____	\$ _____
b _____	\$ _____	\$ _____	—	_____	\$ _____	_____	\$ _____	\$ _____
c _____	\$ _____	\$ _____	—	_____	\$ _____	_____	\$ _____	\$ _____
d. TOTAL								\$ 0.00

**9. PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. Attorney Fees	\$ 2,700.00	\$ 270.00	1	10	\$ 2,700.00
b. Domestic Support	\$ 7,517.00	\$ 270.00	11	28	\$ 7,517.00
c. IRS	\$ _____	\$ _____	_____	_____	\$ _____
d. MN Dept. of Rev.	\$ _____	\$ _____	_____	_____	\$ _____
e. _____	\$ _____	\$ _____	_____	_____	\$ _____
f. TOTAL					\$ 10,217.00

**10. SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows:

The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate(if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a _____	_____	_____	_____	_____	_____	\$ _____
b. _____	_____	_____	_____	_____	_____	\$ _____
c. TOTAL						\$ 0.00

**11. TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of

Approximately \$ 5,983.00 [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f), and 10(c)].

a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ \_\_\_\_\_  
 b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 87,084.00  
 c. Total estimated unsecured claims are \$ 87,084.00 [line 11(a) + line 11(b)].

**12. TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

**13. OTHER PROVISIONS** — The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion.

Annually, the debtor shall provide the trustee with copies of his federal and state tax returns and shall pay any refund over \$1,200.00 to the trustee as an additional plan payment. The debtor shall notify the trustee of any bonus he may receive and agrees not to spend any portion of the bonus until the trustee determines what portion should be paid into the plan as an additional plan payment.

\*\*\*SEE ATTACHED ADDENDUM\*\*\*

**14. SUMMARY OF PAYMENTS —**

Trustee's Fee [Line 2] .....	\$ 1,800.00
Home Mortgage Defaults [Line 6(d)] .....	\$ 0.00
Claims in Default [Line 7(d)] .....	\$ 0.00
Other Secured Claims [Line 8(d)] .....	\$ 0.00
Priority Claims [Line 9(f)] .....	\$ 10,217.00
Separate Classes [Line 10(c)] .....	\$ 0.00
Unsecured Creditors [Line 11] .....	\$ 5,983.00
<b>TOTAL [must equal Line 1(d)] .....</b>	<b>\$ 18,000.00</b>

**Everhart Law Office LTD**  
**Robert J. Everhart #180671**  
**PO Box 120534**  
**New Brighton, MN 55112**  
**651-636-9212**

Signed /s/ Jason A. Severson

DEBTOR

Signed \_\_\_\_\_

DEBTOR (If joint case)

**United States Bankruptcy Court  
District of Minnesota**

**In re:**  
**Jason A. Severson**

**BKY Case No. 14-34352-KAC**  
**Date: 01-13-15**

**Debtor**

**Attached Addendum to Chapter 13 Plan – 13. Other Provisions**

The fair market value of the debtor's principal residence located at 13688 30<sup>th</sup> Street Circle North, Stillwater, MN 55082 and legally described as 'LOT 7, BLOCK 1, COBBLESTONE ACRES, ACCORDING TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF REGISTER OF DEEDS, WASHINGTON COUNTY, MINNESOTA.' is \$270,000.00 as established by an appraisal obtained by the debtor. This value or any other value less than the balance of the debt secured by the first mortgage of \$280,967.00 leaves no equity to secure the claim of United Guaranty Residential Insurance Company of North Carolina. If the Bankruptcy Court so determines upon a motion filed pursuant to 11 U.S.C § 506, Fed.R.Bankr.P. 3012 and Local Rule 3012-1 that the claim of United Guaranty Residential Insurance Company of North Carolina is wholly unsecured, then its allowed claim, if any, will be paid as an unsecured, non priority claim in the standing trustee's administration under this plan. Further, if United Guaranty Residential Insurance Company of North Carolina or its assignee fails to consensually release the lien of its mortgage recorded November 7, 2005 as document number 3549520 in Washington County, Minnesota within 20 days after the trustee's final report to the court showing completion of the plan, debtors may seek a court order and judgment to release the mortgage lien pursuant to Local Rule 3012-1.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re: Case No.14-34352-KAC

Jason A. Severson

Debtor

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**NOTICE OF HEARING AND MOTION  
FOR PRE-CONFIRMATION MODIFICATION OF CHAPTER 13 PLAN**

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To: Gregory A. Burrell, Standing Chapter 13 Trustee; the U.S. Trustee; and other parties specified by 11 USC 1323, Fed. R. Bankr. 3019(a), and Local Rule 3015-2(a).

**PLEASE TAKE NOTICE** that the above debtor has modified the Chapter 13 Plan filed **October 30, 2014**. A copy of the Pre-Confirmation Modified Plan dated **January 13, 2015**, is attached hereto. The hearing on confirmation for the Modified Plan shall occur on **February 12, 2015 at 10:30 A.M.** in United States Bankruptcy Court, U.S. Courthouse, Courtroom 2C, Second Floor, 316 North Robert Street, St. Paul, MN.

Respectfully submitted,

Date: 01-13-15

/s/ Robert J. Everhart  
Robert J. Everhart #180671  
Attorney at Law  
P.O Box 120534  
New Brighton, MN 55112  
Phone: 651-636-9212

In Re:

**Jason A. Severson**

U.S. Bankruptcy Court  
District of Minnesota

Debtor:

Unsworn Declaration  
For Proof of Service

Robert J. Everhart attorney licensed to practice law in this court, with office address of P.O. Box 120534, New Brighton, Minnesota 55112, declares that I served the annexed:

**Pre-Confirmation Modified Chapter 13 Plan**  
**Notice of Hearing and Motion for Pre-Confirmation Modification**

upon each of the entities named below by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid and depositing same in the post office at New Brighton, Minnesota addressed to each of them as follows:

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Office of the U.S. Trustee  
(Electronic Notice)

Gregory A. Burrell  
Chapter 13 Trustee  
(Electronic Notice)

Donna DeMaio, President  
United Guaranty Residential Insurance Co.  
Of North Carolina  
220 North Elm Street

Jason A. Severson  
13688 30<sup>th</sup> Street Circle North  
Stillwater, MN 55082

Steve Stewart, President  
Main Street Acquisition Corp.  
c/o Registered Agents Legal Services, Ltd.  
Registered Agent  
112 N. Curry Street  
Carson City, NV 89703

David Ertel, Manager/Managing Agent  
Bayview Loan Servicing, LLC  
c/o Corporation Services Company  
Registered Agent  
380 Jackson Street, Ste 700  
St. Paul, MN 55101

Michael Corbat, CEO  
Citibank South Dakota NA  
PO Box 6500  
Sioux Falls, SD 57117

Richard D. Fairbanks, CEO  
Capital One Bank  
1680 Capital One Drive  
McLean, VA 22102

David W. Nelms, CEO  
Discover Bank  
100 West Market  
PO Box C

Dianne Wright  
Wright Family Law and Mediation  
342 Fifth Avenue North  
Bayport, MN 55003

Greenwood, DE 19950

Capital One Bank USA NA  
PO Box 71083  
Charlotte, NC 28272

Discover Bank  
DC Servicing Corporation  
PO Box 3025  
New Albany, OH 43054

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And I declare, under penalty of perjury, that the foregoing is true and correct.

Executed: 01-23-15

Signed: /s/ Robert J. Everhart

In re: Jason A. Severson

Debtor(s)

SIGNATURE DECLARATION

Re: *Electronic Filing*  
Case No. 14-34352-KAC

PETITION, SCHEDULES & STATEMENTS  
 CHAPTER 13 PLAN  
 VOLUNTARY CONVERSION, SCHEDULES AND STATEMENTS  
 AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
 MODIFIED CHAPTER 13 PLAN  
 OTHER Notice of Hearing

I (We), the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

1. The information I have given my attorney for the electronically filed petition, statements, schedules, amendments, and /or chapter 13 plan, as indicated above, is true and correct;
2. The Social Security Number or Tax Identification Number I have given to my attorney for entry into the court's Case Management/Electronic Case Filing (CM/ECF) system as part of the electronic commencement of the above-referenced case is true and correct;
3. [individual debtors only] If no Social Security Number was provided as described in paragraph 2 above, it is because I do not have a Social Security Number;
4. I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration;
5. My electronic signature contained on the documents filed with the Bankruptcy Court has the same effect as if it were my original signature on those documents; and
6. [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

Date: 01-13-15

X   
Debtor: Jason A. Severson

X \_\_\_\_\_  
Signature of Debtor or Authorized Individual

X \_\_\_\_\_  
Joint Debtor:

X \_\_\_\_\_  
Printed name of Debtor or Authorized Individual

X   
Signature of Attorney for Debtor(s)  
Robert J. Everhart #180671  
Everhart Law Office, Ltd.  
P.O. Box 120534  
New Brighton, MN 55112  
Phone: 651-636-9212